

# CARROLL BURDICK

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September 9, 2014

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## VIA E-MAIL AND U.S. MAIL

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**Re: Mandatory Overtime**  
File No.: 040660

Dear Jennifer:

I understand that there have been informal discussions in recent weeks between Department and POA representatives in anticipation of some form of Mandatory Overtime being implemented in the new year. Based on those discussions, the POA is gravely concerned that the Department is overlooking binding provisions in the current MOA in its approach to this issue.

If the Department has a strategy that it wants the POA to review formally, then I would encourage it to present it to us, as far in advance of any proposed implementation date as possible. The POA “gets” that the current staffing model is collapsing. But we will not simply allow the Department to ignore binding contractual commitments negotiated to protect our members.

I believe some POA representatives have sat in on some discussions on this subject. However, as we made clear some months ago, as positive as it is for our members to have involvement early in such processes—whether simply as observers or otherwise—such participation does not substitute for meet-and-confer and does not lessen the City’s obligations in that regard.

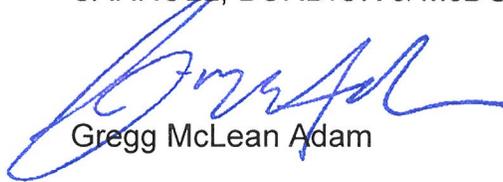
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Jennifer Schembri  
Re: Mandatory Overtime  
September 9, 2014  
Page 2

To sum up, we are sympathetic to the Department's predicament; however, if it attempts to act unilaterally and simply start imposing mandatory overtime, we will have no option other than to vigorously defend the integrity of our contractual agreement.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Gregg McLean Adam

GMA:jo

cc: Edgardo Garcia, Assistant Chief of Police  
Jim Unland, President, San Jose POA  
John Robb, Vice President, San Jose POA  
Franco Vado, Chief Financial Officer, San Jose POA